

Meeting of the  
Idaho Plumbing Board  
Holiday Inn – 1399 Bench Road  
Pocatello, Idaho

April 21, 2006

**MINUTES**

Time and Place

A regular meeting of the Idaho Plumbing Board was held on April 21, 2006, in Pocatello, Idaho.

Presiding

Ray Coon, Chairman

Call to Order

The meeting was called to order at 9:00AM, Friday, April 21, 2006 by Ray Coon, Chairman.

Those Present  
Board

Ray Coon, SanRay Plumbing, Caldwell, Chairman  
Bob Livesay, Crown Plumbing, Idaho Falls, Vice-Chairman  
Ben Schooley, B & S Plumbing, Coeur d'Alene

Staff

John A. McAllister, Administrator, Division of Building Safety  
Steve Keys, Deputy Administrator, Division of Building Safety  
Kay Christensen, Deputy Attorney General  
Linda Hyde, Administrative Assistant, Division of Building Safety  
Bob Rawlings, Plumbing Code Specialist, Division of Building Safety  
Jeff Fitzloff, Electrical Code Specialist, Division of Building Safety  
Al Caine, Licensing Supervisor, Division of Building Safety

Agenda Motion

The Plumbing Board Agenda was adopted as presented.

February 17, 2006  
Emergency  
Meeting Minutes  
Motion

Bob Livesay made a motion to accept the Minutes as presented, Ben Schooley seconded, all aye, motion carried.

Requested Change  
To March 10, 2006  
Meeting Minutes

Kay Christensen asked that the wording be changed on page 3 of the March 10, 2006 Minutes. Kay asked that in paragraph 5, the selection read as follows: "Kay answered that Board's are authorized to make rules to clarify a statute or where they are directed by the statute. If a Board believes a particular statute needs clarification, within certain limits there is the ability to do that."

March 10, 2006

Bob Livesay made a motion to accept the Minutes as

Meeting Minutes  
Motion

changed by the discussion. Ben Schooley seconded, all ayes, motion carried.

Training Presentation  
Jeff Fitzloff

HVAC Bureau has been using the Plumbing Inspectors as HVAC Inspectors, and there are some concerns about the electrical portion of it. Hazards around electricity etc. Ray had a question about water heaters – has to have a lockable disconnect, flip over lever is the most common.

Educational Test Sites  
Al Caine

BSU assessment has issues due to Electrical and HVAC using a different testing agency. Northern Idaho and Eastern Idaho have staffing issues because of the low amount of applicants. BSU has made a deal with (ISU), to have personnel at the testing locations. In the past the Electrical Bureau's tests were compromised, so a decision was made to shop around for another testing facility. The Electrical Board and the HVAC Board have chosen to go with ICC as a testing agency. IAPMO apparently made a presentation, but no decision has been made yet. Doug Hatch is here today to answer questions.

Doug Hatch  
Presentation

Gave out an (ICC exam Information bulletin) about how to sign-up for an exam and what reference material to study. ICC offers a Business and Law exam for HVAC/ Electrical and could do the same for Plumbing. Doug Hatch also handed out an examination outline being used in several other states for Journeymen Plumbers. Al Caine explained testing sites are open five to six days a week. As soon as the application has been approved by the Division of Building Safety, and the prospective test taker has received his/her letter, he/she could literally test within two days. A Temporary work permit is not necessary. Bob Rawlings addressed retesting and stated that the people can test any amount of times in six months.

Old Business

Setting-up a committee to discuss the implementation of Air Admittance Valves and Side Wall Venting in snow load areas: Chairman Coon stated he has asked Milford Terrell, Ben Schooley and Bob Rawlings to sit on that committee, with an additional DBS person. He would like to have this happen before the June meeting.

Motion to amend  
Agenda

Motion to amend agenda to allow Al Caine to discuss Plumbing Civil Penalties. Ben Schooley made the motion, Bob Livesay seconded, all ayes, motion passed.

Civil Penalties

Al Caine explained the (2) handouts-DBS Notice of Violation Listings. The first handout was the Status completed document with Warning Issued Date, and the next print-out included people who have actually received a Civil Penalty/fine. The status of all of these are active as of April 10, 2006. These print-outs will be included in future Board packets. Steve Keys brought up the fact that DBS had received its first appeal and would possibly be hearing it at the June Board meeting.

New Business  
The role of the State  
Plumbing Board

DBS Administrator John McAllister stated that the Code is fairly clear. He asked Kay to address this issue. Kay stated that **Idaho Code Section 54-2606** establishes the powers and duties of the Idaho Plumbing Board. The Plumbing Board is deemed as a self-governing agency, but they are really creatures of the establishment. They only exist because the legislature has delegated to them the power to exist and when the legislature does that the legislature is giving of its own power to a particular entity. The actual enforcement mechanisms of day to day to day administration is the responsibility of the Division of Building Safety. The legislature has adopted Idaho Code 54-2607 which then talks about the specific authority of the Administrator of the Division of Building Safety.

It makes it clear the Administrator is to exercise whatever powers he deems necessary to enforce the minimum standards this Board adopts. The Administrator also has his own rule making authority. Traditionally these agencies propose legislation only where it allows clarification of statutes. They are not perceived to be legislatively active bodies.

Mike Breed then asked about the Administrator, is there anything in the law that says what the person's qualifications would or should be? Kay answered no; he/she is a gubernatorial appointee.

New Business  
The Plumbing Board  
Wants to be Involved/  
Notified of any new...

Kay answered one of the difficulties that occurs, is the House Bills are not known as House Bills when they are first written, they are known as RS (Routing Slip). RS's are confidential. Until the committees meet, Kay doesn't have any idea what the RS is all about.

There were two other bills before we got HB 761. 761 came out of lobbyist Eiguren. At the time we were watching 761 there were two precursor bills to it that had everyone's attention. Kay knows staff at the Bureau makes every effort to keep people involved in what goes on.

Who does the Board contact when HB 761, as amended, comes back to the next legislative session?

Kay said who knows? Kay stated if this is really what the Board wants to do, they need to take it up as an Agenda item to work with Mr. Eiguren on the potential discussion of a Surety Bond. Ray would like to be prepared for the Bills to prevent confusion between lobbyists, the Bureau and the Board.

In considering what this Board's authority is with respect to legislation, Kay thinks it is important to remember the Board doesn't speak on behalf of industry. The Plumbing Board's only purpose for existing is public protection. Concerning this legislation, if the Plumbing Board perceives there is a public protection concern, then at that point in time it would be appropriate for the Plumbing Board to have an opinion about it. John McAllister stated it would be nice if this Board would take a stand at some point in terms of whether they support the Bond or not.

Ben Schooley stated it brings him back to what John McAllister had said previously. Would it be appropriate for this Board to make a statement, a motion or something in the record today stating our opposition to HB 761 in the way it is written right now?

Ray Coon stated that HB 761 is dead but will probably come back in a different form.

Kay suggested this Board not take a position today, until there is an opportunity to talk to the other Board's. She believes the issue should be studied and placed on a schedule later.

### Finance Report

Steve Keys stated the report covers the Plumbing Bureau's finances as of the end of February. The bottom line is the Plumbing Bureau's appropriations are in good shape. Revenue wise the Bureau is on track for another record year of approximately 10% over last year. Chairman Coon asked Steve Keys about the transfer to HVAC. Is that the pay back, it says "transfer to" or what the Plumbing Bureau gave HVAC? John stated it should say "FROM". Chairman Coon asked Steve if HVAC has paid back everything back then? Steve answered no; Chairman Coon asked what is the total still owed? Steve answered around \$800,000.

### New Business

Request from the BSU Plumbing Apprenticeship Board to return to a closed book exam for the Journeyman Plumbers test. Milford

Terrell had asked to be present for the decisions. Ben Schooley asked if the open book was to help the career apprentices pass. Bob Rawlings answered there were 6.5 % career apprentices that have 5 years of more in the trade without taking or passing the Journeyman's test. He assumes at this point we have gotten as many as we can to test. It is up to the Board on whether they want to make the exam closed book.

Ed Howland, BSU, stated they have found students know right off this is an open book exam. Basically, they could care less what we are trying to teach them. BSU is going to make it more restrictive to get through the class, due to the open book test. His personal opinion, as an instructor, is that the test was too easy with an open book.

Steve Keys added the Board needs to keep in mind that until a decision is made on the examination, the decision on open/closed book may be premature. Another factor is the exam may be too long.

Al Caine stated that in the future he hopes to bring to the Board statistics of where we have been and where are we going, if we do in fact change the test, how will that affect the test takers.

Ben Schooley stated Ted Hogander had some figures on pass/fail rates, open book vs. closed book on the exam. It seemed to Mr. Schooley there was not a great deal of difference between the two. Ed Howland can't answer to Ted's statistics, but from an instructional point of view, we're supposed to get these students to retain things. What they're retaining is where in the book do you look for the answers? Are they really retaining anything? For public health safety, they will have to go look it up in a book every time they are working on something. Maybe they should think about shortening up the exam time.

Doug Hatch asked how many questions are on the current test? Bob Rawlings answered 100. Doug asked if they are multiple choice. Bob answered yes, four part multiple choice. Chairman Coon stated this Board needs feedback from the industry. Bob Rawlings stated about two years ago, there was approximately an 82% pass rate overall.

Lee Rice, City of Boise stated there is a lot to writing/developing these tests with code changes and believes the Board is going down the right path.

Bob Livesay had a question for Ed Howland. What is your failure grade? Is it 70%? Ed Howland answered 70%. Mr. Livesay then asked how many is Ed holding back? Ed answered he held back 5 out of 37 (4<sup>th</sup> year) students. They will come back next year. Thirty-two students will graduate. Mr. Livesay asked, will they come back? No definitive answer was given.

Russ Goyen, City of ID Falls, asked about the test procedure and validity. The certifications for inspectors in Electrical, HVAC, and Plumbing exams are all open book tests, so why not for the Journeymen or Contractors? Doug Hatch stated there are quite a few questions that reference tables and, they should be able to look in the book for the tables.

Chairman Coon asked how long does ICC allow to take the exam. Doug Hatch answered four hours for 180 questions.

Lee Rice, City of Boise, expressed mixed emotions on open book vs. closed book. He says that 50 questions open book and 50 questions closed book would be good.

Change in Meeting  
Date to June 9, 2006

Chairman Coon asked for a motion to change the Plumbing Board meeting in June from the 2<sup>nd</sup> to the 9<sup>th</sup>. Ben Schooley made the motion to change the Board meeting date to June 9<sup>th</sup>, 2006 – Bob Livesay seconded, all ayes, motion carried.

There was no Executive Session during this meeting.

The meeting was adjourned at 11:30am.

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John A. McAllister, Administrator

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Date

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Steve Keys, Deputy Administrator, Operations

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Date

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Ray Coon, Chairman, Idaho Plumbing Board

\_\_\_\_\_  
Date